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Act, §§ 1, 49, 58, liquids, mixtures, and preparations which will produce intoxication, as defined in the act, are "ardent spirits" condemned by the act whether or not they contain alcohol.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Ardent Spirits. For other cases, see 8 Va.-W. Va. Enc. Dig. 1.]

Error to Circuit Court, Mathews County.

Julian T. Christian was convicted of violating the prohibition act, and brings error. Affirmed.

*C. S. Smith, Jr.*, of Gloucester, for plaintiff in error.

*John R. Saunders, Atty. Gen., J. D. Hank, Jr., Asst. Atty. Gen.,* and *Leon M. Bazile, Second Asst. Atty. Gen.*, for the Commonwealth.

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BOWEN *v.* COMMONWEALTH.

March 16, 1922.

[111 S. E. 131.]

**1. Jury (§ 82 (2)\*)—Misdemeanant May Waive Irregularities in Organization and Constitution of Jury.**—Though the guaranty (Const. 1902, § 8) of the right to a jury trial applies to misdemeanors as well as felonies, one tried for a misdemeanor may waive all irregularities in the organization and constitution of the jury.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 20.]

**2. Criminal Law (§ 895\*)—Accused May Waive Anything Except Jurisdiction.**—Accused May Waive any matter not relating to the court's jurisdiction.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 65.]

**3. Jury (§ 29 (5)\*)—Irregularity in Trial of Misdemeanant before Jury of Seven Waived by Failure to Object; "Impaneled."**—Under Code 1919, § 4895, declaring that no irregularity in impaneling jurors shall be cause for setting aside a verdict unless objection was made before the jury was sworn, any irregularity in trying a misdemeanor case before a jury of seven, instead of five, as required by section 4927, was waived, where defendant made no objection and challenged none of the jurors; a jury being "impaneled" when ready to try the case (quoting Words and Phrases, First Series, *Impanel*).

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 20.]

Error to Corporation Court of Buena Vista.

W. R. Bowen was convicted of petit larceny, and he brings error. Affirmed.

*John Dabney Smith*, of Buena Vista, for plaintiff in error.

*John R. Saunders, Atty. Gen., J. D. Hank, Jr., Asst. Atty. Gen.,* and *Leon M. Bazile, Second Asst. Atty. Gen.*, for the Commonwealth.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.